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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,192	05/05/2006	Markus Dueringer	032553-052	9178
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EXAMINER HUSON, MONICA ANNE				
ART UNIT 1791		PAPER NUMBER		
NOTIFICATION DATE 07/13/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/547,192

Applicant(s)

DUEINGER ET AL.

Examiner

MONICA A. HUSON

Art Unit

1791

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 7-8, 10, 12, 13, 16-18, and 22-27 rejected under 35 U.S.C. 102(b) as being anticipated by Linss et al. (U.S. Patent 5,330,342). Regarding Claims 1 and 16, Linss et al., hereafter "Linss '342," show that it is known to carry out a process for producing hollow bodies (Abstract) by using a blow molding apparatus and process (Figure 2-4; Column 5, lines 29-53).

Regarding Claims 2, 17-18, and 22-23, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16 above, including the specific arrangement of parts (Figure 1, blow mandrel=10, extrusion head=2).

Regarding Claims 7, 8, 10, and 25, Linss '342 shows the process as claimed as discussed in the rejection of Claim 1 above, including the specific relative movement (Figure 1, movement indicators 5, 7).

Regarding Claims 12 and 26, Linss '342 shows the process as claimed as discussed in the rejection of Claims 1 and 16, relatively, above, including a method wherein the plastic tube is inclined relative to its extrusion direction (Figure 1, element 18).

Regarding Claims 13 and 27, Linss '342 shows the process as claimed as discussed in the rejection of Claims 1 and 16, relatively, above, including the claimed blow mold configuration (Figure 1, element 11; Column 4, lines 53-60).

Regarding Claim 24, Linss '342 shows the process as claimed as discussed in the rejection of Claim 16 above, including a method wherein the extrusion head is made for continuous extrusion (Column 2, lines 1-9; it is interpreted that the extrusion is continuous to create the continuously changing wall thickness).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linss '342, in view of Linss et al. (U.S. Patent 4,806,092).

Regarding Claim 3, Linss '342 shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show a blowing mandrel configured for transport. Linss et al., hereafter "Linss '092," show that it is known to carry out a method of making a hollow body wherein the blowing mandrel is configured to move (element 3; Column 4, lines 31-35). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Linss '092's movable blowing mandrel during Linss '342's molding process in order to prevent plastic from entering the blow opening (see Linss '092, Column 2, lines 34-44).

Regarding Claim 29, Linss '342 shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show forming plastic bottles. Linss '092 show that it is known to carry out a method for making plastic bottles (Abstract). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use Linss '342's method to form Linss '092's bottles because bottles are known hollow bodies.

Claims 4-6, 9, 11, 14-15, 19-21, 28, and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Linss '342.

Regarding Claims 4-6, 14, 19-21, and 28, Linss '342 shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show duplicated elements. However, mere duplication of parts has no patentable significance unless a new or unexpected result is produced (MPEP 2144.04 (VI)(B)). It would have been

prima facie obvious to one of ordinary skill in the art at the time the invention was made to use any appropriate number of elements during Linss '342's molding process in order to form the desired number of articles per cycle.

Regarding Claims 9, 11, and 15, Linss '342 shows the process as claimed as discussed in the rejection of Claim 1 above, but he does not show the specifically claimed values and/or relationships. However, Linss '342 shows the general concepts, and where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation (MPEP 2144.05 (II)(A)). It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to use any appropriate speed or rate during Linss '342's molding process in order to achieve the desired production efficiency.

Regarding Claim 30, Linss '342 shows the process as claimed as discussed in the rejection of Claim 14 above, including a method wherein the number of blowing mandrels is one times the number of blow molding cavities (1) (Figure 1), meeting applicant's claim.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA A. HUSON whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

/Monica A Huson/
Primary Examiner, Art Unit 1791